

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

EDWARD L. GILMORE,

Plaintiff,

v.

ERIC HOLDER,
in his official capacity as
Attorney General of the United States,

Defendant.

Civil Action No. 1:13-cv-789
(LMB/IDD)

DEFENDANT'S TRIAL EXHIBITS

Pursuant to this Court's Order of November 15, 2013 (ECF No. 31), Defendant, through its undersigned counsel, hereby respectfully submits the following list of potential exhibits for the trial of the above-captioned matter. Defendant reserves the right to elect not to seek the introduction of any of these exhibits at trial, and to re-arrange the numbering sequence prior to trial.

EXHIBITS

Pursuant to this Court's Order of November 15, 2013 (ECF No. 31), this list does not include exhibits that Defendant might seek to introduce as impeachment and/or rebuttal evidence. Moreover, Defendant reserves the right to use demonstrative exhibits during the testimony of certain of its witnesses in order to assist the trier-of-fact.

The Exhibit List below simply reflects the present status of the instant litigation. Accordingly, Defendant reserves the right to amend this list—including without limitation eliminating proposed exhibits—should further developments (including, inter alia, positions advanced by Plaintiff) warrant.

Defendant also reserves the right to use any exhibits listed on Plaintiff's Exhibit List.

No.	Date	Description	Bates-Stamp
1.	2/24/2004	SES Application Handbook	ROI
2.	N/A	Annual Performance Appraisal for period 1/30/2006-12/31/2006	DEA-00000001-16
3.	8/3/2005	Career Board Minutes	DEA-00001058-1070
4.	2/13/2006	Email chain from K. Tandy to M. Leonhart re Security Programs	DEA-00000607
5.	5/24/2006	Email from E. Gilmore to M. Leonhart re Career Status	DEA-00000577
6.	5/26/2006	Email chain between E. Gilmore and M. Leonhart re Background Investigation	DEA-00000578-79
7.	5/26/2006	Email chain between E. Gilmore and M. Leonhart re Background Investigation (contd.)	DEA-00000583-86
8.	7/26/2006	Re: Background Investigation – (student intern)	DEA-00000583-84
9.	8/18/2006	Email from E. Gilmore to M. Leonhart et al., re Security Clearances for TFOs	DEA-00000589
10.	9/26/2006	Email from M. Leonhart to R. Guevara copying Gilmore et al., re: Call from DOJ	DEA-00000572
11.	1/22/2007	Memorandum re Approval to Change Performance Management Rating Cycle	
12.	2/15/2007	Memorandum re Notice of Change in Performance Rating Cycle	
13.	2/27/2007	Email from E. Gilmore to M. Leonhart et al., re Responses for the AD (eQIP)	DEA-00000593-94

No.	Date	Description	Bates-Stamp
14.	3/9/2007	Email from E. Gilmore to M. Leonhart et al., re: MY DEA cell phone is in-op	DEA-00000595
15.	3/9/2007	Email chain between M. Leonhart and E. Gilmore regarding handling of new hire and Gilmore's medical issues	DEA-00000556-559
16.	5/15/2007	Email from E. Gilmore to J. Kasson re Congrats	DEA-00000637
17.	6/27/2007	Email from J. Kasson to E. Gilmore et al. re TFO status	DEA-00000638
18.	10/4/2007	Memorandum from C. Kasch re: 2007 Employee Performance Appraisals	
19.	10/9/2007	Annual Performance Appraisal for period 1/30/2007-9/312007	DEA-00000531-550
20.	10/18/2007	DEA Cable announcing SES Selections	ROI
21.	10/22/2007	Email from E. Gilmore to J. Kasson re: Please indulge me	ELG00000488
22.	11/30/2007	Email from E. Gilmore to G. Olenkiewicz re Ed Gilmore Bio	DEA-00001900
23.	12/12/2007	Email from J. Kasson to G. Davis regarding TFO backlog	DEA-00000633
24.	12/12/2007	Career Board Minutes	DEA-00001106-1111
25.	N/A	Merit Promotion Selection for Career Board, Vacancy Announcement No. CMB-08-312	DEA-0000XXXX
26.	N/A	Merit Promotion Selection for ASAC - Chicago, Vacancy Announcement No. CMB-08-318	DEA-0000XXXX

No.	Date	Description	Bates-Stamp
27.	12/6/2007	C. Kasch Memorandum re: Recommendation for Vacancy Announcement CMB-08-312, GS-1811-15, Executive Secretary, Career Board	DEA-0000XXXX
28.	12/7/2007	G. Olenkiewicz Memorandum re: Vacancy Announcement CMB-08-318, Criminal Investigator, Assistant Special Agent in Charge, Chicago Field Division	DEA-0000XXXX
29.	2007	DEA Organizational Chart	
30.	3/24/2008	EEO Complaint of Edward Gilmore	ROI
31.	10/20/2008	Affidavit of Edward Gilmore	ROI
32.	N/A	EEO Record of Investigation Excerpts, Case No. DEA-2008-00180***	ROI
33.	3/28/2013	Complaint Adjudication Office, EEO Decision	ROI
34.	N/A	EEO Accomplishments, Stephanie Smith	DEA-00001166-67
35.		DEA statistical analysis, compiled by John Hill	DEA-00001567-1571
36.		Handwritten notes regarding a conversation about ASACs	DEA-00000522-23, 528
37.		Handwritten notes re Gilmore and Biales	DEA-00000551-52
38.		Personnel Manual, Excerpt	
39.		EOFY 2006 Security Programs	

No.	Date	Description	Bates-Stamp
40.		EOFY 2007 Security Programs	
41.		EOFY 2008 Security Programs	
42.		EOFY 2009 Security Programs	
43.		Demonstrative Summaries	

* The parties have been given leave for a limited discovery extension to March 28, 2014.

Accordingly, the parties reserve the right to submit a revised list of exhibits, including but not limited to deposition transcripts or exhibits, after the close of deposition discovery.

** While the Exhibits shall be delivered to the clerk as provided by Local Rule 79(A), certain exhibits were designated as confidential by the parties' protective order and will be filed under seal. The undersigned will file a motion to seal these documents promptly after conferring with counsel for plaintiff regarding such a motion.

*** The Report of Investigation is extensive and includes other claims not pursued in this action. Accordingly, Defendant will include excerpts. If the Court prefers, the Defendant will submit the entire record.

Counsel for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 20, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of electronic filing to the following:

Bradford Hardin (#76812)
WILMER CUTLER PICKERING HALE AND DORR LLP
1899 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
bradford.hardin@wilmerhale.com
Counsel for the Plaintiff

/s/

Ayana N. Free
Assistant United States Attorney
Office of the United States Attorney
Justin W. Williams Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3785
Fax: (703) 299-3983
Email: ayana.free@usdoj.gov
Counsel for the Defendant